

LC Paper No. CB(2)2942/03-04(02)

EDUCATION (AMENDMENT) BILL 2002

COMMITTEE STAGE

Amendments to be moved by the Honourable Cyd HO Sau-lanClauseAmendment Proposed

12(b)

(a) In the proposed section 30(1A), by deleting "Director may" and substituting "Permanent Secretary may".

(b) In the proposed section 30(1A), by deleting paragraphs (a) and (b) and substituting -

"(a) a school if the applicant -

(i) is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance; or

(ii) has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment;

(b) a school if the applicant is under the age of 18 years;

(c) a school if -

(i) the applicant has attained the age of 70 years and he fails to produce a medical certificate issued by a registered medical practitioner within 2 months before the date of his application certifying that the applicant is physically fit to perform the functions of a manager; or

(ii) the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a medical certificate issued by a registered medical practitioner after the date of such request certifying that the applicant is physically fit to perform the functions of a manager; or

(d) an IMC school or a school in respect of which a submission has been made under section 40BJ or 40BU if the applicant has been registered as a manager of 5 or more schools."

(c) By adding -

"(1B) Subsection (1)(b) does not apply to -

(i) parent managers or alternate parent managers who are nominated for registration under section 40AM and who have been elected for that purpose; or

(ii) alumni managers who are nominated for registration under section 40AN and who have been elected for that purpose."

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17

By deleting the proposed section 40BJ and substituting -

"40BJ. Submission for the purpose of establishment of incorporated management committee in respect of operating school

(1) This section applies to -

(a) an aided school which -

(i) is a school without IMC; and

(ii) has commenced operation before 1 January 2005;

(b) a DSS school in respect of which a notice has been given under section 40BH; and

(c) a specified school in respect of which a notice has been given under section 40BH.

(2) The sponsoring body of a school shall submit to the Permanent Secretary a draft of the constitution of the proposed incorporated management committee.

(3) A submission made under subsection (2) shall be made

(a) in the case of an aided school, before the deadline for submission specified by the Secretary for Education and Manpower by notice published in the Gazette;

(b) in the case of a DSS school or specified school, within 6 months from the date of the notice given

under section 40BH in respect of the school.

(4) The sponsoring body shall provide to the Permanent Secretary such further information relating to the submission as he may reasonably require for the purpose of enabling him to exercise his power under section 40BK or 40BL.

(5) A notice under subsection (3)(a) shall be subject to the approval of the Legislative Council."

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<u>Clause</u>	<u>Amendment Proposed</u>
17	By deleting the proposed section 40BR.
26(c)	By deleting - "Section 40BR(1)(c). Section 40BR(1)(d) or (1A). Manager concerned. Sponsoring body."

EDUCATION (AMENDMENT) BILL 2002

COMMITTEE STAGE

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47

By deleting the clause and substituting-

**"47. Syllabus and time-table subject to approval of
Permanent Secretary**

Regulation 92 is amended -

(a) in paragraph (8), by repealing "the supervisor and to";

(b) by adding -

"(8A) In determining whether to give a direction in writing under paragraph (8) as to a syllabus of instruction or any other document, the Permanent Secretary shall have regard to -

(a) any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to a reasonable man;

(b) any material which is likely to encourage hatred against or fear of, or considered to be denigrating or insulting to any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or

(c) anything which is in contravention of the law."."